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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Board of Supervisors

MEETING DATE July 16, 2013	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Flight Investments, LLC	FILE NO. AGP2012-00013						
SUBJECT Proposal by Flight Investments, LLC to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 50 acre parcel is located within the Agriculture land use category at 495 Cripple Creek Road approximately 3/4 mile south of the intersection of Creston Road and Cripple Creek Road and approximately 5.0 miles southeast of the Urban Reserve Line of Paso Robles. The site is in the El Pomar-Estrella planning area.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows: <table border="0" style="margin-left: 40px;"> <tr> <td>Preserve Designation:</td> <td>El Pomar Agricultural Preserve No. 88</td> </tr> <tr> <td>Minimum Parcel Size :</td> <td>40 Acres</td> </tr> <tr> <td>Minimum Term of Contract:</td> <td>20 Years</td> </tr> </table>				Preserve Designation:	El Pomar Agricultural Preserve No. 88	Minimum Parcel Size :	40 Acres	Minimum Term of Contract:	20 Years
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ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on April 5, 2013 (ED12-168).									
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 035-101-051	SUPERVISOR DISTRICT(S) 5						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)							
EXISTING USES: Residence, Vineyards, Oak woodland									
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0" style="width: 100%;"> <tr> <td><i>North:</i> Residential Rural/ rural residences</td> <td><i>East:</i> Agriculture/ grazing & rural residence</td> </tr> <tr> <td><i>South:</i> Agriculture/grazing & rural residence</td> <td><i>West:</i> Agriculture/ grazing & vineyard</td> </tr> </table>				<i>North:</i> Residential Rural/ rural residences	<i>East:</i> Agriculture/ grazing & rural residence	<i>South:</i> Agriculture/grazing & rural residence	<i>West:</i> Agriculture/ grazing & vineyard		
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None									
TOPOGRAPHY: Generally flat		VEGETATION: Scattered oak trees							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 21, 2013							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER <input type="checkbox"/> SAN LUIS OBISPO <input type="checkbox"/> CALIFORNIA 93408 <input type="checkbox"/> (805) 781-5600 <input type="checkbox"/> Fax: (805) 781-1242									

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PROJECT REVIEW

Site and Area Characteristics

The property consists of generally flat land planted extensively in vineyards. The property includes a residence, scattered oaks and small fallow areas. The vineyards were planted in 2000 through 2002. An irrigation well produces 370 gallons per minute of water. Properties to the north are zone residential rural and are developed with rural residences. Lands located east of the parcel are cultivated in irrigated vineyards and properties to the south and east are primarily used for grazing cattle. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Homesite	Fallow/Oaks	Acres
If Irrigated	Non-Irrigated				
3	4	13.34	2.25	1.91	17.5
4	4	28.3	1.18	3.02	32.5
TOTALS		41.64	3.43	4.93	50

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Williamson Act and the Rules of Procedure

Establishing an Agricultural Preserve

The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's 64 acres exceeds the gross acreage necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land under production (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

The gross parcel size must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre (averaged over 40 acres) if in full commercial bearing.

Since the property has in excess of 40 acres (41.64) planted in irrigated vineyard the property meets the criteria for establishing an agricultural preserve. Due to the recognized high value of irrigated vineyard on non-prime soils, the property would also qualify for a prime-land preserve based on the income & value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

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Qualifying for a Land Conservation Contract

To qualify for a land conservation contract the property must also meet the eligibility requirements for individual land conservation contracts and have 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils. The property qualifies for a land conservation contract by having approximately 41.64 acres of irrigated vineyard on Class 3 & 4 soils. (Table 1 Section B. 1.c).

The appropriate minimum parcel size is 40 acres due to the primary use of the property for irrigated vineyard.

The appropriate minimum term of contract is 20 years because the site is located more than one mile from the Paso Robles urban reserve line.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on April 22, 2013 at the Veteran's Hall, 801 Grand Ave, San Luis Obispo, California, at 1:00 p.m.

Nancy Orton, Planning Department Review Committee Regular Member and Chairperson: introduces item.

Robert Sparling: asks if it is mandatory to do a roll call vote.

Mr. Orton: explains that in the past, the Board of Supervisors has requested knowing how members voted and their reasons for voting if there are any dissenting votes. (Roll call votes are not mandatory if the vote is unanimous but a good practice and helpful for staff and the decision makers.)

Terry Wahler: presents staff report, describes the property, agricultural use and basis for eligibility.

Dan Lloyd: explains agricultural land use and acreage and requests a recommendation for approval.

Following the discussion, Don Warden moved to recommend approval of this request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract to the Board of Supervisors. Preserve Designation: El Pomar Agricultural Preserve No. 88. Minimum Parcel Size: 40 acres. Minimum Term of Contract: 20 years. This motion was seconded by Lynda Auchinachie, and unanimously carried on a 12-0 vote with the Farm Bureau member being absent.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:

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Preserve Designation:	El Pomar Agricultural Preserve No. 88
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	20 Years

FINDINGS

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler & Stephanie Fuhs
and reviewed by Bill Robeson, Supervising Planner
Agricultural Preserve Program